

Amendment No. 1 to HB1309

Curcio  
Signature of Sponsor

**AMEND Senate Bill No. 1194**

**House Bill No. 1309\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as "Evelyn Boswell's Law."

SECTION 2. Tennessee Code Annotated, Section 37-10-202, is amended by deleting the section and substituting the following:

(a) Except as provided in subsection (b), whenever a parent knows, learns, or believes that a child under the parent's charge and care is missing, the parent shall report the child as being missing to a law enforcement agency or the Tennessee bureau of investigation.

(b) Whenever the parent knows, learns, or believes that a minor child under the parent's charge and care is missing, the parent shall make the report under subsection (a) within a reasonable time after determining that the child is missing, but in no event more than twenty-four (24) hours after determining that the child is missing. As used in this section, "minor child" means a person who is twelve (12) years of age or younger.

(c)

(1) A parent who is subject to the duty imposed by subsection (b) commits the offense of failure to report a missing child if the parent fails to make, or fails to cause to be made, the report required under subsection (b) with intentional or reckless disregard for the safety of the minor child.

(2) Failure to report a missing child is a Class A misdemeanor.

(d) This section does not prohibit prosecution under any other law.

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(e) It is a defense to prosecution under this section that the parent made reasonably diligent efforts to verify the whereabouts and safety of the minor child during the period of any delay in making the report required by subsection (b).

(f) A person who knowingly makes a false allegation against a parent of failure to report a missing child as required by this section, in addition to any other penalties provided for by law, may be prosecuted for the offense of false reports under § 39-16-502, and the court may order the accuser to pay all litigation expenses, including, but not limited to, reasonable attorney's fees, discretionary costs, and other costs incurred by the wrongly accused party in defending against the false allegation.

SECTION 3. This act shall take effect October 1, 2020, the public welfare requiring it, and applies to conduct occurring on or after that date.